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09/978,414	10/16/2001	Naomi Nakao	G30-001	4506
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COLEMAN SUDOL SAPONE, P.C.			EXAMINER	
714 Colorado Avenue Bridgeport, CT 06605-1601			LANDREM, KAMRIN R	
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			DATE MAILED: 02/26/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Applicant(s) Office Action Summary			€				
## Examiner ## Ex	,	Application No.	Applicant(s)				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less han thinly (30) (aby, a reply within the statistury reminent of thing to spay with be considered timely. If the period for reply specified above is less han thinly (30) (aby, a reply within the statistury reminent of thing to spay with be considered timely. If the period for reply specified above is less han thinly (30) (aby, a reply within the statistury reminent of thing to spay with the considered timely. If the period for reply specified above, the enzorman statutory period will appear and with 100 (aby) and will appear 30 (b) (aby) (aby) with be considered timely. If the period for reply specified above is less han thinly (30) (aby, a reply within the statistury reminent bright of the space of the communication. If the period for reply specified above, the machine and the reply reply reduced by the scommunication. Any reply received by the Office later than three months after the mailing date of this communication, even if kinety filed, may reduce any seamed patient and significant may decrease any seamed patient. Application is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)		09/978,414	`				
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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10, drawn to prosthesis, classified in class 623, subclass 8.
- II. Claims 11-24, drawn to method for reshaping a portion of an organism, classified in class 128, subclass 898.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the method of Invention II can be used for changing the shape of any portion of an organism for any cosmetic surgery (i.e. cheek or calf implants), therefore the method is not limited to use of product of Invention I.

A telephone call was made to Neil R. Sudol on February 21, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamrin R. Landrem whose telephone number is 703-305-8061. The examiner can normally be reached on 8:00-5:00, Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 703-308-2111. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3905 for regular communications and 703-308-3905 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Kamrin Landrem Examiner AU 3738

KRL February 21, 2003

David J. Isoballa